

REMARKS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 9-13, 15-22, and 24-33 are presently active in this case, Claims 9, 17, 19, and 27-30 having been amended and Claim 33 having been added by way of the present Amendment. Care has been taken such that no new matter has been entered.

Claims 13, 15, 16, 22, 24-26, 31, and 32 are allowed. Additionally, Claims 19 and 20 were indicated as being allowable if rewritten in independent form. Claim 19 has been rewritten in independent form, and thus Claims 19 and 20 are in condition for allowance.

In the outstanding Official Action, Claims 9-12, 17, 18, 21, and 27-30 were rejected under 35 U.S.C. 102(b) as being anticipated by Saito (U.S. Patent No. 5,150,162). For the reasons discussed below, the Applicants request the withdrawal of the anticipation rejection.

In the Office Action, the Saito reference is indicated as anticipating each of Claims 9-12, 17, 18, 21, and 27-30. However, the Applicants note that a claim is anticipated only if each and every element as set forth in the claims is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). As will be demonstrated below, the Saito reference clearly does not meet each and every limitation of independent Claims 9, 17, and 27-30.

Claims 9, 17, 29, and 30 of the present application advantageously recite, among other features, a developer container comprising a shutter member for closing a developer outlet when the shutter member is fitted within the developer outlet. The Applicants respectfully submit that the Saito reference does not disclose the above features.

The Official Action refers to Figures 9 and 10A-10C of the Saito reference for the teaching of the present application. The Official Action cites sleeve (84) for the teaching of the shutter member of the present invention, and the hole in the side of hopper (81) within which the tube (82) is provided as the developer outlet of the present application.

Thus, the Applicants submit that the Saito reference does not disclose a shutter member for closing a developer outlet when the shutter member is fitted within the developer outlet. The sleeve (84), or even packing member (85), of the Saito reference are not fitted within the developer outlet, as expressly recited in Claims 9, 17, 29, and 30 of the present application. The sleeve (84) is clearly not fitted within the outlet of the hopper (81), as is evident from a review of Figure 9 of the Saito et al. reference. The Official Action acknowledges on page 2 thereof that “the shutter member (84) being provided on the outside of the mouth member.”

Thus, the Applicants respectfully request the withdrawal of the anticipation rejection of Claims 9, 17, 29, and 30 of the present application. Claims 10-12, 18, and 21 are considered to be allowable for at least the reasons indicated above with respect to their respective independent claims.

Claims 27 and 28 of the present application advantageously recite a developer container comprising a shutter including a shutter member for closing a developer outlet when the shutter member is fitted to the developer outlet, wherein all components of the shutter are provided completely outside of the mouth member. The Applicants respectfully request the withdrawal of the rejection of Claims 27 and 28 based on the Saito reference, since the Saito reference does not disclose such features.

As mentioned above, the Official Action cites sleeve (84) of the Saito reference for the teaching of the shutter member of the present application. The shutter of the Saito reference includes not only the sleeve (84) but also the various other components that allow the structure to function as a shutter. As is evident from a review of Figure 10A, the screw (83) is an integral part of the shutter capacity of the sleeve (84). The screw (83) supports a packing (85) that seals off the outlet of the tube (82) by sealing off the end of the sleeve (84). Without the screw (83), the sleeve (84) clearly could not function as a shutter member and the Saito reference would not include a "shutter."

As is evident from the figures of the Saito reference, the screw (83) is provided within the lower portion of the toner hopper (81) and extends through the center of the tube (82). Accordingly, the Saito reference does not disclose *a shutter* including a shutter member for closing a developer outlet when the shutter member is fitted to the developer outlet, *wherein all components of the shutter are provided completely outside of the mouth member*, as recited in Claims 27 and 28 of the present application. Without the components (e.g. screw (83)) of the shutter provided in the hopper (81) of the Saito reference, the device described therein would not comprise a "shutter," as claimed.

Thus, the Applicants respectfully request the withdrawal of the anticipation rejection of Claims 27 and 28 of the present application.

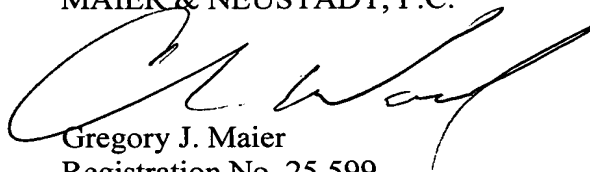
Newly added Claim 33 advantageously recites a developer container comprising, among other features, a storing member that is provided with a tapered portion and a mouth member that is provided at a tip of the tapered portion. Such features are not disclosed in the cited art. Accordingly, new Claim 33 is believed to be allowable over the cited art.

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Consequently, in view of the above discussion, it is respectfully submitted that the present application is in condition for formal allowance and an early and favorable reconsideration of this application is therefore requested.

Respectfully Submitted,

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